UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
BRITO PEGUERO, MERLIN

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>06/12/2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _____ is/are rejected.
7)☒ Claim(s) <u>1-7</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>12 June 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All b)☐ Some * c)☐ None of:
    1.☒ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date <u>herewith</u>.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: the word "substantially" should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   Claims 1-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.   The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the

United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogler (US 6843415.)

Re claim 1 and 7: Vogler discloses an apparatus and computer readable storage medium having a computer program stored thereon for processing electronic tag information (see figs: 1, 2, and abstract), the apparatus receiving product identification codes read from electronic tags (see C: 1 L: 49-65), the apparatus comprising: a processor, and a storage device, coupled to the processor, having a computer program stored therein (see C: 8 L: 12-27); wherein product information stored in the storage device, characterized in that the product information includes: an identification code of a set product; an identification code of individual products contained in the set product (see C: 2 L: 49-67, and C: 3 L: 1-4 the data fields which contains three codes to track an item the manufacturer, and product class function as a set product code, while the serial number functions as the individual product code); and a number of the individual products, and the computer program causes the processor to substantially perform the steps of: (a) for each product identification code read from an electronic tag and provided, incrementing a corresponding product cumulative count N_i, where "i" corresponds to a product identification code; (b) referring to the product information, when judging that the product identification code read from the electronic tag and provided is a set product, subtracting a number n_j of individual products of the set product from a product cumulative count N_j of the individual products; and (c) in response to the end of information-reading from at least one electronic tag, outputting

information associated with a product identification code whose product cumulative

count Nk is not zero and the product cumulative count Nk (see C: 2 L: 58-67, C: 3 L: 1-

4, C: 4 L: 1-24 maintains an inventory of items and as the item inventory becomes

smaller more items are ordered. Therefore, Vogler's system will have a total amount of

items held by a store, and subtract each item removed from the total amount held by the

store. Also, it will increment the total amount held by the store as more items are added

and update the total amount.)

 Re claim 3: Vogler discloses a mode signal is further provided, wherein the

computer program causes the processor to in step (c) when the mode signal indicating

a set product verification mode, deficiency information of individual products contained

in a set product when the product cumulative count Nj of the individual products is not

zero (see C: 4 L: 44-51, a signal is sent when for example the inventory falls to a certain

level.)

 Re claim 4: Vogler discloses a mode signal is further provided, wherein the

computer program causes the processor to in step (c) when the mode signal indicating

a sale statement mode, output deficiency information of individual products contained in

a set product when the product cumulative count Nj of the individual products is a

negative value (see C: 4 L: 44-51 if the system falls to a level below what the alarm is

set this would function as inventory falling into negative levels, therefore the system will

warn the store/manufacturer of their falling levels.)

 Re claim 5: Vogler discloses an apparatus for processing electronic tag

information wherein the product information further includes a table having a field of

product identification code and a field of flag indicating whether or not the product is a

set product, and wherein the computer program causes the processor to, in step (b),

judge whether or not a set product based on the table (see C: 2 L: 58-67, C: 6, C: 7 L:

1-20, Vogler describes a table, with fields that identify products as a part of a set

product.)

    Re claim 6: Vogler discloses an apparatus for processing electronic tag

information wherein the product information the product information is provided from

other information processing apparatus which manages the product information in a

unified way (see Fig: 1, C: 4 L: 20-24.)

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

9.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the

obligation under 37 CFR 1.56 to point out the inventor and invention dates of each

claim that was not commonly owned at the time a later invention was made in order

for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogler (US

6843415) in view of Beauer et al. (20030216969 A1.) The teachings of Vogler are

discussed above.)

　　Re claim 2: Vogler discloses an apparatus for processing electronic tag

information wherein the product information further includes: the identification code,

name and the product cumulative count Ni of a product having an identification code

whose product cumulative count Ni is not zero; and in step (c), as the associated

information, outputting the product name and product of each corresponding product

identification code, and the cumulative sum of the products (see C: 2 L: 58-67, C: 3 L: 1-

4, C: 4 L: 1-24 maintains an inventory of items and as the item inventory becomes

smaller more items are ordered. Therefore, Vogler's system will have a total amount of

items held by a store, and subtract each item removed from the total amount held by the

store. Also, it will increment the total amount held by the store as more items are added

and update the total amount.)

　　Vogler fails to teach product information that includes a price of an individual

product; wherein the computer program further causes the processor to perform the

step of: calculating the product of the price.

　　Bauer et al. teaches product information that includes a price of an individual

product; wherein the computer program further causes the processor to perform the

step of: calculating the product of the price (see ¶: 0006, 0030, .

It would have been obvious, at the time of invention, to have combined Vogler's item tracking system with Bauer et al. inventory management system with the motivation that it will easily allow the retailer/manufacturer calculate the total price of the inventory. Furthermore, this would allow the retailer/manufacturer determine if they are overstocked/under stocked.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MERLIN BRITO PEGUERO whose telephone number is (571)270-1619. The examiner can normally be reached on Monday-Fridays 7:30 to 5:00 alt Fridays ET time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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